

Application No. 09/701,501
Amendment & Response dated October 29, 2004
Reply to Office Action of July 29, 2004

REMARKS

Status of the Claims

Claims pending in the above-identified application are Claims 1-10, 12, 14, and 16-18. Claims 11 and 13 are cancelled. Claims 6, 8, and 16 are amended. The amendments do not introduce new matter into the above-identified application. Support for the amendments is found throughout the specification.

The Rejection Under 35 USC § 102

Claims 1-14 and 16-18 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,962,081 to *Dobry et al.* ("*Dobry*"). Respectfully, Applicants traverse this rejection.

The PTO states that *Dobry* discloses "depositing uniformly on a backing material a smooth layer of a mixture of fine particles and flat plastic chips...and specifically shows that plastic chips (10) are imbedded in the matrix of fine granules (11)..." Applicants point out that *Dobry* describes covering a web with "fine multicolored particles 11 of plastic composition" and then scattering "[c]hips 10 of similar plastic composition" on top of the layer of particles (col. 3, lines 14-18, emphasis added). "After the web is covered with the pieces of plastic composition...the covered web is pulled into a press 50 which applies heat and pressure to the web, thereby consolidating the plastic composition into a smooth uniform sheet" (col. 4, lines 1-5, emphasis added).

The method described in *Dobry* closely resembles the prior art methods discussed in the application on page 2, lines 11-16:

If a color-pattered floor covering is to be produced, differently colored mixed masses or matrices are first produced separately, rolled into sheets and granulated. The differently colored granulates are then mixed together and fed into a roll mill (e.g. a calender) to produce a speckled linoleum sheet. This sheet can then

Application No. 09/701,501
Amendment & Response dated October 29, 2004
Reply to Office Action of July 29, 2004

be pressed either directionally onto the textile substrate
or onto a textile substrate previously coated with a
unicolored mixed mass and/or corkment.

The disadvantage of conventionally patterned linoleum sheets thus-produced is that
"more or less pronounced longitudinally oriented structures necessarily result, which
greatly limit the design possibilities for a patterned flexible linoleum sheet material"
(page 3, lines 25-29).

The invention as claimed in Claim 1 is directed to a process to produce
a patterned linoleum sheet by dispersing mixed mass particles onto at least one side of
a rolled linoleum sheet and warp-free pressing the particles into the linoleum sheet.
As described on page 9, lines 11-18, mixed linoleum mass A is rolled into linoleum
sheet B. Then, mixed mass C is dispersed onto rolled linoleum sheet B and pressed
into linoleum sheet B using a pressing tool.

In contrast, *Dobry* describes a process including (a) dispersion of
plastic chips onto a layer of particles and (b) heating and pressing the particles and
plastic chips to form a sheet (col. 3, lines 14-20; col. 4, lines 1-5). *Dobry* neither
teaches nor suggests a process comprising (a) dispersing mixed mass particles onto a
rolled linoleum sheet and (b) pressing the particles into the rolled linoleum sheet.
Thus, *Dobry*, does not teach or suggest the invention as claimed in Claims 1-7 and
16-17.

The invention as claimed in Claim 8 is directed to a flexible linoleum
sheet material comprising a top layer matrix having at least one color and at least one
type of contrastingly colored particles embedded in the matrix. The contrastingly
colored particles are distributed substantially across the entire thickness of the matrix.

In contrast, *Dobry* neither teaches nor suggests a flexible linoleum
sheet material comprising a top layer matrix having contrastingly colored particles
dispersed across the entire thickness of the matrix. *Dobry* describes scattering plastic
chips 10 on top of a layer of particles 11 (col. 3, lines 14-20). This process results in
a linoleum sheet having plastic chips 10 embedded within a matrix of particles 11 in a

Application No. 09/701,501
Amendment & Response dated October 29, 2004
Reply to Office Action of July 29, 2004

single top layer (Figure 2). Thus, the linoleum sheet as described by *Dobry* will not retain the patterned appearance after the top layer of the sheet is worn away. *Dobry* neither teaches nor suggests that the plastic chips are dispersed substantially across the entire thickness of the matrix. Thus, *Dobry* does not teach or suggest the invention as claimed in Claims 8-15 and 18.

Accordingly, Applicants respectfully request that the rejection of Claims 1-14 and 16-18 under 35 U.S.C. § 102(b) be withdrawn.

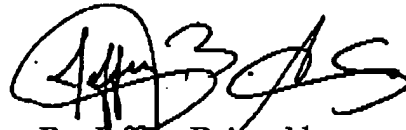
Application No. 09/701,501
Amendment & Response dated October 29, 2004
Reply to Office Action of July 29, 2004

Conclusion

In view of the above remarks, Applicants respectfully assert that the rejection of the claims as set forth in the Office Action has been addressed and overcome. Applicants further respectfully assert that all claims are in condition for allowance and requests that an early notice of allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 879-2433 is respectfully requested.

No fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,



By: Jeffery B Arnold
Reg. No. 39,540

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
P.O. Box 7037
Atlanta, Georgia 30357-0037
Direct Telephone: (404) 879-2433
Direct Facsimile: (404) 879-2933
Firm Telephone: (404) 872-7000

Atty. Docket No.: D078 1100 (41461.0011.8)